

**Attachment V DPSCS Inmate Medical Health Care and Utilization Services  
Liquidated Damages**

	Ref	Liquidated Damages Description	MIN Threshold % (if applicable)	Liquidated Damages Amount	Performance Standard
1	3.6.1.2 3.6.1.3	Provides clinical staffing, Specialist Staffing and any other positions identified in the Contractor's staffing plan in accordance with submitted staffing matrix @ rates for appropriate positions in Attachment R, CCC and proposal.	100%	Rate calculated on hourly rate per clinical positions.	An occurrence is total number of hours for each position that does not meet the 96% minimum fill rate per position per SDA.
<u>1 (a)</u>	<u>3.6.1.2</u>	<u>Provides clinical staffing (Physician, PA, CRNP, RN, LPN and Phlebotomist) in accordance with its current DPSCS approved staffing plan.</u> <u>[Except as described in § 3.6.1.3 for nursing positions for infirmaries and sick call]</u>	<u>96%</u>	<u>Rate calculated on hourly rate per clinical positions.</u>	<u>An occurrence is total number of hours for each position that does not meet the 96% minimum fill rate per position Statewide per SDA.</u>
1 (b)	3.6.1.3	Provide Nursing positions (RN/LPN) for infirmaries and sick call at all times in accordance with its current DPSCS approved staffing plan.	100%	Rate calculated on hourly rate x 1.5 per nursing position.	An occurrence is total number of hours for each position that does not meet the 100% fill rate per position.
2	3.8 3.9	Contractor maintains Credential Files	99%	\$100 for each missing credentialing information item required for each employee past or present below minimum threshold	An occurrence is each missing credentialing information item required for each employee past or present not submitted to the agency.
3	3.10.1.2	Contractor shall develop and maintain a comprehensive competency based orientation program for new staff.		\$250 for each employee that has not completed a documented orientation.	An occurrence represents any staff that does not receive a pre-service orientation. The orientation shall include a review of the Policies and Procedures manual of the Agency, the Policies and Procedures manual of the Provider, how to access those manuals, EHR training basics of working in a prison setting and a review of the limits of the scope of responsibility based on competency.
4	3.17	Contractor provides Emergency Care		\$500 per incident that emergency care is not adequately provided	An occurrence is each individual 911 event that does not follow the first aid and emergency procedures related to emergency triage to a community based hospital or infirmary as referenced in § 3.17, § 3.22.3 and § 3.32.2.
5	3.18	Contractor provides On-call Physician List		\$100 per month that on call list is not updated or posted as required	An occurrence is each time an on call list is not updated or posted as required in the infirmary, dispensary and sick call areas.

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6	3.21.5	Contractor provides Equipment Inventory Reporting as required		\$100 per day annual inventory report is greater than 15 days past due date AND \$25 for each equipment item not affixed with State tag number.	An occurrence is each day past the Annual Inventory Report due date + each equipment item without a State tag number as referenced in § 3.21.5.5(6). Liquidated damages will NOT be assessed against the Contractor for a missing piece of equipment that is the responsibility of one of the Other Healthcare Contractor. Liquidated damages will be assessed each day greater than 15 days past the due date.
7	3.21.5.4 3.21.5.5	Provide Equipment Maintenance Database and Report	98%	\$25 for any element missing below 98% in the database and report	An occurrence is any element missing in the database and report.
8	3.24.3	Each inmate admitted to the infirmary, shall only be admitted upon physician order which may be performed telephonically.	100%	\$100 for each admission without a documented order.	An occurrence is when any inmate assessment is not performed, thus no documentation in EHR.
9	3.24.3	Each Inmate in the infirmary shall receive an Assessment within 24 hours of Admission, which shall include a History, physical, and Treatment Plan documented in the EHR.		\$100 for each history and physical on admission not documented in EHR.	An occurrence is any admission history and physical not documented in EHR within 24 hours.
10	3.24.3	Infirmary and isolation unit rounds shall be made daily (1x/day) by the Clinician and documented in the EHR. Nursing rounds shall be performed per shift (3x/day) and evidence of such shall be documented in the EHR.		\$50 for each round not made daily by Clinician and documented + \$50 for Nursing round not made per shift and documented.	An occurrence is any time daily rounds are not conducted and documented and Nursing rounds not conducted per shift and documented.
11	3.25.8 3.25.10.1	An intake screening, to include a hearing test, of any newly admitted Inmate to any DPSCS institution conducted utilizing the IMMS form within two hours of entry into a facility.	within 10 minutes of 2-hr timeframe (i.e. 2 hours and 10 minutes)	\$50 for each occurrence beyond 2-hr 10-min timeframe	An occurrence represents any timeframe beyond the 2-hr and 10-minute allowance.
12	3.25.8 3.25.10.1	An intake screening, to include a hearing test, of any newly admitted Inmate to any DPSCS institution conducted utilizing the IMMS form and the completion of all form questions within two hours of entry into a facility.		\$50 per question for each question missed in IMMS.	A question represents any question with a missing component of the receiving process missed in IMMS.

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13	3.26	Conduct a complete medical health examination on all inmates, including parole violators and escapees within 7-days of reception. Provide medical intake evaluations every day.	98%	\$50 for each occurrence of a medical health exam not completed below 98% threshold.	Any occurrence represents any failure to perform.
14	3.26.2.3	Offer either blood or oral testing (with blood confirmation) and provide counseling and education.	98%	\$50 per occurrence below 98% threshold.	An occurrence is any detainee/inmate that does not have documentation of HIV testing being offered and counseling being completed within the required timeframe.
15	3.27	Each inmate with sufficient period of incarceration shall receive physical re-evaluations during his or her period of incarceration.	95%	\$50 for each occurrence exam not completed within 10 days of schedule requirements below 95% threshold.	An occurrence is any physical re-exams not completed on inmates once every 4 years (under 50); or if over 50 years of age once per year. Liquidated damages will be assessed <u>again</u> each month that the requirement is not performed, provided the Department has notified the Contractor of the omission or lack of performance.
16	3.27.1.3	An inmate shall be tested (screened) for TB annually whether or not scheduled for physical re-examination.	100%	\$100 per annual PPD not provided to patient as required.	Annual PPDs must be completed on all inmates and detainees as required. Liquidated damages will be assessed <u>again</u> each month that the requirement is not performed, provided the Department has notified the Contractor of the omission or lack of performance.
17	3.27.1.4	Inmates shall be re-informed of his or her opportunity for HIV testing at every physical re-examination.	95%	\$50 for each occurrence re-education not completed within 10 days of schedule requirements below 95% threshold.	An occurrence is any re-educations not completed on inmates at every physical re-examination. Liquidated damages will be assessed <u>again</u> each month that the requirement is not performed, provided the Department has notified the Contractor of the omission or lack of performance.
18	3.28.4.2	Each sick call clinic shall continue operation on that day until it is completed; i.e. no "backlogs".	95%	\$25 per patient scheduled but not seen in daily sick call below 95% threshold.	An occurrence is when an inmate scheduled for a clinic session is not seen.
19	3.28.4.2	Each sick call clinic shall continue operation on that day until it is completed; i.e. no "backlogs". Same day referrals from triage (emergent complaints) shall be seen during a clinic session on the same day that the Inmate appears for services.	100%	\$50 per triage patient not seen in daily sick call.	An occurrence is when same day referrals from triage (emergent complaints) not seen during a clinic session on the same day that the inmate appears for services.

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20	3.29.2	Contractor maintains Medication Security	100% (narcotic) 95% (other than narcotic)	\$100 for each occurrence of medication not secured appropriately.	An occurrence is any incidence of medication not secured appropriately.
21	3.29.2 (4)	Perform scanning of all medications ordered and shipped	100%	\$100 for each order and shipment not scanned	An occurrence is each medical medication order (including STAT orders) and shipment not scanned.
22	3.29.3.1	Contractor maintains electronic Medication Administration Record (e-MAR)	95%	\$200 for each e-MAR that is not completed below 95% threshold.	An occurrence is an individual dose not received within 2 hours after receipt; or an individual e-MAR not documented.
23	3.30.1.5	Shall follow national guidelines for disease/condition specific organizations in the development of treatment programs	95%	\$250 for each deviation from established treatment programs below 95% threshold.	An occurrence is a deviation from established treatment programs.
24	3.30.3	Perform monthly chart review by a RN or Clinician for chronic care patients.	95%	\$100 for each occurrence per audited patient record that was not provided in accordance with the OIHS Clinical Care Manuals below 95% threshold.	An occurrence is when a chronic care patient does not receive a chart review by a RN or Clinician every month.
25	3.30.3	Chronic care patients shall be seen by a Clinician every ninety days at a minimum.	95%	\$250 for each occurrence per audited patient record that was not provided in accordance with the OIHS Clinical Care Manuals below 95% threshold.	An occurrence is where a chronic care patients are not seen by a Clinician every 90 days.
26	3.39.2.2	Make available appropriate prenatal care, specialized obstetrical services twice weekly and postpartum care for pregnant inmates.	100%	\$250 per element not performed as required in the OIHS Pregnancy Management Manual	An element is non-performance as required in the OIHS Pregnancy Management Manual.
27	3.41.2.1	The transfer form designated by the Agency and contained within the EMR, shall be completed by the Clinician within twelve (12) hours of having been notified of transfer or release.	90%	\$50 for each medical transfer assessment form not submitted below 90% threshold.	An occurrence represents an incomplete or absent transfer assessment form in EHR.

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28	3.41.3	Utilize a Continuity of Care Form (hardcopy) consistent with Department Policy and Procedure in conjunction with Inmate release	95%	\$250 for each occurrence a Continuity of Care Form is not complete in the discharge planning process below 95% threshold.	An occurrence represents a Continuity of Care Form not being complete in the discharge planning process.
29	3.49	Operate a comprehensive infection control program that ensures that communicable diseases are appropriately diagnosed, treated, and controlled to prevent and minimize infectious disease outbreaks.	100%	\$150 for each occurrence of failure to document diagnosis/treatment of an infectious disease	An occurrence represents any failure to document the diagnosis of an Infectious Disease as well as providing the necessary treatment.
30	3.50	Contractor addresses Administrative Remedy Procedures (ARPs) & ARP Appeals timely & completely	99%	\$50 for each ARP that is not completed by due date below 99% threshold. + \$25 per day each ARP is past the due date below 99% threshold.	An occurrence is each ARP not submitted by the due date.
31	3.55.1	Implement the CQI program	100%	\$100 per occurrence	An occurrence represents a failure to conduct required CQI meetings as outlined in § 3.55.2.
32	3.57.1	Performs Safety & Sanitation inspections	100%	\$1,000 per each inspection not performed + \$100 per each report not submitted within 30 days as required.	An occurrence is any inspection not performed and any report not submitted within 30 days as required.
33	3.59	Performs Morbidity and Mortality (M&M) reviews of adverse patient outcomes	100%	\$125 for each M&M review not performed + \$125 per each report not submitted	An occurrence when the Morbidity & Mortality (M&M) review is not completed within the 72 hours timeframe and the M&M report of Multi-disciplinary input is not submitted within 10 business days.
34	3.65	Provide Methadone maintenance according to Federal & State mandates.	100%	\$1000 per incident that required Methadone licensure is not in place.	An occurrence is any incident whereby License is not maintained as current and available for inspection.

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35	3.65.1.1	Maintain the methadone program currently in place at any approved DPSCS facility for: (1) Utilization in the detoxification / withdrawal of any Inmate experiencing withdrawal from opiates when prescribed by a physician; or (2) Maintenance on methadone of Inmates arrested at a time where the Inmate is enrolled and participating in a bona fide methadone program in the community.	100%	\$250 for each occurrence of non-compliance with Methadone program.	An occurrence is any incident of non-compliance with Methadone program.
36	3.67	Maintain a complete EHR	95%	\$50 per occurrence of non-completion of patient record in EHR below 95% threshold.	An occurrence is every instance of failure to document patient records properly in EHR.
37	3.70.1.1 3.70.1.2	Provides complete UM report	98%	\$25 per each missing element below 98% threshold.	An element represents any item described in § 3.70.1.1 and § 3.70.1.2.
38	Attachment AA-1 (Reports)	Submission of all reports, excluding those itemized in this Attachment V.	99%	\$25 for each day beyond the due date for each report below 99% threshold.	An occurrence represents any report not submitted as required.
39	Attachment AA-2 (Meetings)	Contractor Participation in Meetings as assigned	99%	\$50 per meeting that required representation is not present below 99% threshold.	An occurrence is any instance where the required attendance of a contractor does not report as required.
40	Attachment Q	Submit State Stats Reports in accordance with Attachment Q.	100%	\$100 each day past due date	An occurrence is each day past the due date.

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<u>41</u>	<u>1.36</u>	<u>Contractor shall not prevent any of its staff below the Statewide manangement level from working for a successor contractor by invoking a non-compete clause.</u>	<u>100%</u>	<u>The equivalent of three month's salary for each Staff position that is offered employment by a successor contractor but that declines such employment because a non-compete provision it has signed with the Contractor is being invoked by the Contractor. The means to calculate the amount of damages for each position so affected is to take the hourly rate for that position as contained in the Contractor's Attachment R contained in its final technical proposal times 540 hours. (180 hours to obtain a monthly damages amount, times 3 months = 540 hours)</u>	<u>An occurrence is any time current Staff of the Contractor below the statewide management level declines an offer of employment because a non-compete clause it signed with the Contractor is being invoked and it is verified to the satisfaction of the DPSCS Contract Manager that this rationale is accurate.</u>